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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Joint Petition of the National Exchange Carrier)
Association, Inc. (NECA), National Rural)
Telecom Association (NRTA), National)
Telephone Cooperative Association (NTCA),)
Organization for the Promotion and Advancement)
of Small Telecommunications Companies)
(OPASTCO), and the United States Telephone)
Association (USTA) for the Expedited Interim)
Waiver of the Section 52.33(a) of the)
Commission's Rules)

CC Docket No. 95-116
CCB/CPD No. 99-9

To: The Commission

COMMENTS OF MOULTRIE INDEPENDENT TELEPHONE COMPANY

I. Introduction.

1. Moultrie Independent Telephone Company ("Moultrie") is a rural independent local exchange carrier ("ILEC") serving 806 access lines in central Illinois. Moultrie has prepared and filed comments in this proceeding because Moultrie believes that the Federal Communications Commission's ("FCC" or "Commission") rules on local number portability ("LNP") unfairly discriminate against small telephone companies, such as Moultrie. Specifically, the FCC's rules provide for the recovery of costs by large ILECs, but they do not provide for the recovery of costs by small carriers. This is counterintuitive. Moultrie believes that a waiver of Section 52.33(a) of the Commission's Rules is necessary for small, independent telephone companies as set forth

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in the *Petition for Expedited Interim Waiver*¹ submitted to the Commission by NECA, NRTA, NTCA, OPASTCO and USTA.

Background

2. Section 52.33(a) of the Commission's Rules allows ILECs to assess the costs of LNP directly upon end-users if the ILEC serves end-users in the 100 largest metropolitan statistical areas ("MSAs").² ILECs recoup these costs from a monthly charge billed directly to end-users.³ ILECS that serve end-users outside of the 100 largest MSAs may only apply a monthly charge to end-users if the ILEC has installed a LNP-capable switch.⁴ The Commission's Rules do not provide a scheme for recovery of LNP costs for ILECS that do not provide LNP ("Non-LNP-Providing ILECS").

3. Allowing only the largest ILECs and those providing LNP to recover costs is unreasonable because Non-LNP-Providing ILECS also incur significant costs from LNP. Section 52.33 of the Commission's Rules allows an ILEC to charge the N-1 carrier for LNP database queries that must be done when a call is terminated in areas served by LNP-capable switches.⁵ Additionally, all ILECS must contribute to the costs of the regional Number Portability

¹ *Petition for Expedited Interim Waiver*, CC Docket No. 95-116, CCB/CPD No. 99-9 (released March 24, 1999) ("*Petition*").

² 47 C.F.R. § 52.33(a).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Administration Centers (“NPAC”).⁶ It is counterintuitive for the Commission to allow large carriers to recover their costs, but not permit small independent carriers, many of whom rely on USF support, to do the same.

Moultrie’s Local Number Portability Costs Will Be Significant

4. Moultrie will experience significant LNP costs without a waiver of the FCC Rules. Currently, Moultrie does not face competition from a CLEC for calls originating within Moultrie’s exchange. Were Moultrie to have a CLEC in its service territory, Moultrie would be assessed a LNP database query charge for calls terminated to that CLEC because Moultrie would then be the N-1 carrier. In this scenario, Moultrie would be assessed a LNP database query charge for each and every call to the CLEC. Were Moultrie to provide the LNP database on its own, Moultrie would incur the costs of each database query, plus the cost of ensuring its switches were LNP capable.⁷ As an ILEC, Moultrie is also responsible for paying its portion of the NPAC costs. These costs are significant to Moultrie; a small rural independent carrier.

The Public Interest Will Be Served by a Grant of the Requested Waiver

5. The public interest requires that the Commission waive Section 52.33(a) of its Rules, as indicated in the *Petition*. As Moultrie has shown, the number of calls affected by LNP costs

⁶ See 47 C.F.R. § 52.32 and *Telephone Number Portability*, CC Docket No. 95-116, *Third Report and Order*, 13 FCC Rcd 11701 at paras. 87-93 (1998).

⁷ Moultrie’s costs for database queries are on a “step-rate” structure. Moultrie would be charged \$.002 per query for up to 2,500,000 queries per month, \$.0018 per query for the next 250,000,000 queries, and \$.0016 per query for the next 5,000 queries. All additional queries would be assessed a charge of \$.0014 per query.


is significant. Independent ILECs, especially small rural carriers, cannot afford to incur these costs without some means of recovery.

6. As proposed in the *Petition*, Non-LNP-Providing ILECS must be allowed to recover LNP costs through carrier-specific traffic sensitive access charges since the Commission has determined that end-users cannot be assessed charges for LNP costs if they do not receive the benefits of LNP.

Conclusion

7. Moultrie fully supports the *Petition* and respectfully requests that the Commission immediately grant the requested waiver. The public interest will not be served if the FCC fails to give rural independent carriers, such as Moultrie, the requested relief.

Respectfully submitted,
Moultrie Independent Telephone Company



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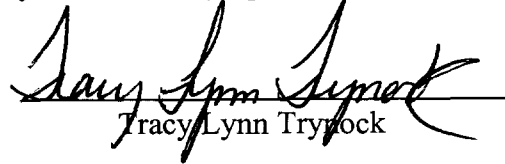
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April 8, 1999

CERTIFICATE OF SERVICE

I, Tracy L. Trynock, hereby certify that on this 8th day of April, 1999, copies of the foregoing "Comments of Moultrie Independent Telephone Company" have been served by first-class United States mail, postage pre-paid or by hand delivery upon the following:



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